

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PROVISION LIVING AT HERMITAGE

and

Case 10-CA-154228

OLIVIA JENKINS

ORDER¹

Provision Living at Hermitage's petition to revoke and/or quash subpoena duces tecum B-1-NUXFSR is denied.² The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena.³ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., January 6, 2016.

MARK GASTON PEARCE,

CHAIRMAN

KENT Y. HIROZAWA,

MEMBER

LAUREN MCFERRAN,

MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Petitioner's request that its petition to revoke and/or quash be made part of the official record in this case is denied without prejudice to renewal at the appropriate time in a formal proceeding.

³ In ruling on the petition to revoke, we have evaluated it in light of the Region's undisputed representation that the Petitioner agreed to provide the information in subpoena request 1, and therefore withdrew its petition seeking to revoke that request.